

**REMARKS**

The present Reply is in response to the Office Action dated July 28, 2005.

Reconsideration of the allowability of the present application is requested respectfully.

**Status of the Claims**

Claims 35 to 47 were acted upon by the Examiner in the Office Action dated July 28, 2005. Claims 35, 41, 42 and 47 have been amended. Claims 37, 43, and 46 have been canceled. No claims have been added. Accordingly, Claims 35, 36, 38 to 42, 44, 45, and 47 are presented for examination.

**Summary of the Examiner's Action**

**Claim Rejections**

Claims 46 and 47 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the invention. The Examiner has characterized this rejection as a new matter rejection.

Claims 35, 41, 46, and 47 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the invention. The Examiner has characterized this rejection as a new matter rejection.

Claims 35 to 47 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention.

**Claim Objections**

Claims 46 and 47 have been objected to for being substantial duplicates of each other. Applicants respectfully traverse the Examiner's rejections.

## **Discussion**

### **Amendments to the Specification**

In response to the Examiner's interview, dated January 25, 2006, the specification has been amended to define the term "micron". In this regard, applicant encloses herewith page 700 of "Dictionary of Science and Technology" (1995), which describes a micron as "equal to  $10^{-6}$  m". Furthermore, the definition states that the symbol for a micron is " $\mu\text{m}$ ". Accordingly, the terms "micron", " $\mu\text{m}$ ", and " $10^{-6}$  m" are all equivalent.

### **Amendments to the Claims**

Support for the amendments to Claims 35, 41, and 47 are found on page 15, Table 1 and page 16, Table 2. In addition, the recitation of claim 37 has been incorporated into claims 35 and 47, and the recitation of claim 43 has been incorporated into claim 41. The amendment to claim 42 is editorial in nature.

### **Summary of Examiner Interview**

An Examiner interview was held on January 25, 2006. During this interview the Examiner stated that should the claims be amended as shown above, the application will be in condition for allowance.

## **ARGUMENTS**

In response to the Examiner's Office Action dated July 28, 2005, applicant respectfully traverses the Examiner's rejection of Claims 35 to 47.

### **Discussion of the Section 112 Rejections**

#### **(I) Section 112, first paragraph**

The Examiner has rejected claims 46 and 47 under 35 U.S.C. §112, first paragraph, as containing new subject matter and for failing to demonstrate that at the time of filing applicant was in possession of the presently claimed invention. In particular, the Examiner asserts that the specification lacks support for recited microparticle size range.

Claim 46 has been canceled and 47 has been amended to recite microparticles "from

2.4  $\mu\text{m}$  to 4.3  $\mu\text{m}$ ” in diameter. Support for this amendment is found on page 15, Table 1 and page 16, Table 2.

In view of this amendment applicant respectfully requests that the rejection of claim 47 under 35 U.S.C. §112, first paragraph, be withdrawn.

The Examiner has rejected claims 35, 41, 46 and 47 under 35 U.S.C. §112, first paragraph, as containing new subject matter and for failing to demonstrate that at the time of filing applicant was in possession of the presently claimed invention. In particular, the Examiner asserts that the specification lacks support for the recitation “about 2.2  $\mu\text{m}$  to about 4.3  $\mu\text{m}$ ”.

Claim 46 has been canceled and claims 35, 41, and 47 have been amended to recite microparticles “from 2.4  $\mu\text{m}$  to 4.3  $\mu\text{m}$ ” in diameter. Support for this amendment is found on page 15, Table 1 and page 16, Table 2.

In view of this amendment applicant respectfully requests that the rejection of claims 35, 41, and 47 under 35 U.S.C. §112, first paragraph, be withdrawn.

(II) Section 112, second paragraph

The Examiner has rejected Claims 35 to 47 under 35 U.S.C. §112, second paragraph, as being indefinite, for failing to particularly point out and distinctly claim the invention.

(a) Claims 35, 41, 46, and 47 have been rejected because it is unclear what is encompassed in the term “about”. Claim 46 has been canceled and claims 35, 41, and 47 have been amended to delete the recitation “about”. In view of this amendment applicant respectfully requests that the rejection of claims 35, 41, and 47 under 35 U.S.C. §112, second paragraph, be withdrawn.

(b) Claim 42 has been rejected because the limitation “less than 3  $\mu\text{m}$ ” is unclear. Claim 42 has been amended to recite “at least 50% of the microparticles are less than 3  $\mu\text{m}$ ”. In view of this amendment applicant respectfully requests that the rejection of claim 42 under 35 U.S.C. §112, second paragraph, be withdrawn.

(c) Claim 46 has been rejected for not being internally consistent. Claim 46 has been canceled. In view of this amendment applicant respectfully requests that the rejection of claim 46 under 35 U.S.C. §112, second paragraph, be withdrawn.

element the T<sub>H</sub>1 polarized immune response is directed. Claims 35, 41, and 47 have been amended to recite "a T<sub>H</sub>1 immune response to at least one antigen". In view of this amendment applicant respectfully requests that the rejection of claims 35, 41, and 47 under 35 U.S.C. §112, second paragraph, be withdrawn.

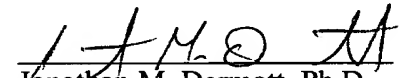
(e) Claims 36 to 40 and 42 to 46, which depend directly or indirectly from claims 35 or 41, are also rejected because of the indefiniteness identified in claims 35 and 41. In view of the amendments to claims 35 and 41, applicant respectfully requests that the rejection of claim 36 to 40 and 42 to 46 under 35 U.S.C. §112, second paragraph, be withdrawn.

Discussion of the Objections

Claims 46 and 47 have been objected to for being substantial duplicates of each other. Claim 46 has been canceled. Accordingly, applicant respectfully requests that the objection to claim 46 and 47 be withdrawn.

A favorable action on the merits is requested respectfully.

Respectfully submitted,

  
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